AO 248 (Rev. 08/20)   ORDER ON MOTION FOR SENTENCE REDUCTION UNDER 18 U.S.C. § 3582(c)(1)(A)

UNITED STATES DISTRICT COURT
FOR THE_____ DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Case No. 3:19-CR-45-MMD-WG

v.

ORDER ON MOTION FOR
SENTENCE REDUCTION UNDER
18 U.S.C. § 3582(c)(1)(A)

DONTE SMITH

(COMPASSIONATE RELEASE)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons for a reduction in sentence under 18 U.S.C. § 3582(c)(1)(A), and after considering the applicable factors provided in 18 U.S.C. § 3553(a) and the applicable policy statements issued by the Sentencing Commission,

IT IS ORDERED that the motion is:

☒ GRANTED

☐ The defendant's previously imposed sentence of imprisonment of _30 months_____ is reduced to _time served_____. If this sentence is less than the amount of time the defendant already served, the sentence is reduced to a time served; or

☒ Time served.

If the defendant's sentence is reduced to time served:

　　　　☐　　　This order is stayed for up to fourteen days, for the verification of the defendant's residence and/or establishment of a release plan, to make appropriate travel arrangements, and to ensure the defendant's safe release. The defendant shall be released as soon as a residence is verified, a release plan is established, appropriate travel arrangements are made,

and it is safe for the defendant to travel. There shall be no delay in

ensuring travel arrangements are made. If more than fourteen days are

needed to make appropriate travel arrangements and ensure the

defendant's safe release, the parties shall immediately notify the court and

show cause why the stay should be extended; or

✕ The Defendant will be released after he tests negative of COVID-19 or has

been in quarantine for a period of 10 days from the onset of Smith's symptoms or

from the date of his first COVID-19 test as the BOP deems appropriate based on

CDC's recommendations. Smith is to reside at the residential reentry center as

detailed below in the modified conditions of release.

☐ The defendant must provide the complete address where the defendant will reside

upon release to the probation office in the district where they will be released because it

was not included in the motion for sentence reduction.

☐ Under 18 U.S.C. § 3582(c)(1)(A), the defendant is ordered to serve a "special term" of

☐ probation or ☐ supervised release of ____ months (not to exceed the unserved portion

of the original term of imprisonment).

☐ The defendant's previously imposed conditions of supervised release apply to

the "special term" of supervision; or

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☐ The conditions of the "special term" of supervision are as follows:

☐ The defendant's previously imposed conditions of supervised release are unchanged.

☒ The defendant's previously imposed conditions of supervised release are modified as

follows:

It is further ordered that Smith reside at and participate in the program of a residential reentry center for a period of up to six months as approved and directed by the probation officer. It is further ordered that Smith be released directly from the residential reentry center to an in-patient treatment program with an assessment to be conducted by a licensed treatment provider before Smith's entry into the program to determine the appropriate level of care.

All other special conditions of supervised release are unchanged.

☐ DEFERRED pending supplemental briefing and/or a hearing. The court DIRECTS the United

States Attorney to file a response on or before _____, along with all Bureau of

Prisons records (medical, institutional, administrative) relevant to this motion.

☐ DENIED after complete review of the motion on the merits.

☐ FACTORS CONSIDERED (Optional)

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☐ DENIED WITHOUT PREJUDICE because the defendant has not exhausted all administrative

remedies as required in 18 U.S.C. § 3582(c)(1)(A), nor have 30 days lapsed since receipt of the

defendant's request by the warden of the defendant's facility.

IT IS SO ORDERED.

Dated: January 20, 2021

_____
UNITED STATES DISTRICT JUDGE

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